

**UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT
No. 23-2369**

REBECCA SMITH and CRISTINE M.
GHANIM, individually and on behalf of all
others similarly situated

Plaintiffs–Appellants,

v.

UNITEDHEALTH GROUP INC., UNITED
HEALTHCARE SERVICES, INC.,
UNITEDHEALTHCARE INSURANCE
COMPANY, UNITED MEDICAL
RESOURCES, UNITED HEALTHCARE
SERVICE LLC, and Doe Defendants 1-10,

Defendants–Appellees.

JOINT MOTION TO MODIFY BRIEFING SCHEDULE

Pursuant to Federal Rule of Appellate Procedure 26(b) and Rule 27A(a)(2) of the Local Rules for the Eighth Circuit, the parties respectfully move the Court for an extension of the time to file opening and responsive briefs in this matter. The parties have not previously requested an extension of time in this appeal.

1. On June 5, 2023, Appellants filed their Notice of Appeal in this matter.
2. On June 6, 2023, the district court clerk transmitted the notice of appeal and docket entries in this matter.

3. The same day, this Court issued an order setting the briefing schedule for this appeal, under which Appellants' opening brief would be due July 26, 2023, and Appellees' responsive brief would be due 30 days thereafter.

4. The parties have requested no prior extensions of time in this appeal.

5. Appellants request a 30-day extension of time to file their opening brief and appendix, until August 25, 2023.

6. Appellees similarly request an 18 day extension of time (from the time that would be allowed if Appellants' extension is granted) to file their responsive brief, until October 13, 2023.

7. Appellants request a 7-day extension of time to file their reply brief, until November 10, 2023.

8. These requested extensions will not prejudice the parties, nor will they unduly delay the appeal process.

9. This extension of time is sought for good cause. This appeal concerns complex and nuanced issues, requiring additional time to prepare the briefs. In addition, counsel for both parties have various previously scheduled professional and personal obligations that conflict with the briefing schedule set by the Court.

10. In particular, between June 30, 2023 and August 11, 2023, one or more Appellants' counsel are scheduled to: participate in a pre-trial conference and four-day trial; prepare and file briefs in a state-court appeal, in support of a motion for

class certification, and in opposition to a motion to reconsider a class certification order; appear at hearings and present arguments regarding cross-motions for summary judgment in a class action and a dispositive motion in another case; assist a family member undergoing a medical procedure; attend the Eighth Circuit Judicial Conference; and take a two week international vacation.

11. Furthermore, between August 25 and October 13, one or more counsel for Appellees are scheduled to prepare and file two summary judgment briefs and a reply brief in support of a motion to dismiss, try a case before a FINRA arbitration panel, prepare motions and file responsive pleadings in other FINRA arbitration matters, and prepare to try an additional FINRA arbitration scheduled to commence on October 16.

12. Under Rule 27A(a)(2) of the Local Rules for the United States Court of Appeals for the Eighth Circuit, the Clerk has the discretion to enter this procedural order on behalf of the Court.

For the reasons described above, the parties respectfully request that this Court grant an extension of time, up to and including August 25, 2023, in which to file Appellants' opening brief and appendix, an extension of time, up to and including October 13, 2023, in which to file Appellees' responsive brief in this appeal, and an extension of time, up to and including November 10, 2023, in which to file Appellants' reply brief.

Dated: June 26, 2023

Respectfully submitted,

s/ Kristen G. Marttila

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Dated: June 26, 2023

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CERTIFICATE OF COMPLIANCE

This document complies with the word limit of Fed. R. App. P. 27(d)(2)(A) because, excluding the parts of the document exempted by Fed. R. App. P. 32(f), this document contains 542 words. This document complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and the type-style requirements of Fed. R. App. P. 32(a)(6).

/s/ Kristen G. Marttila
Kristen G. Marttila

CERTIFICATION OF SERVICE

I hereby certify that on June 26, 2023, I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Eighth Circuit by using the CM/ECF system. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

/s/ Kristen G. Marttila

Kristen G. Marttila